

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

ALLIANCE FOR THE WILD  
ROCKIES,

Plaintiff,

vs.

NATHAN GASSMANN, District  
Ranger, Kootenai National Forest,  
Libby Ranger District; CHAD  
BENSON, Forest Supervisor, Kootenai  
National Forest; KEITH LANNOM,  
Deputy Regional Forester, U.S. Forest  
Service Region One; U.S. FOREST  
SERVICE; and U.S. FISH &  
WILDLIFE SERVICE,

Defendants,

and

AMERICAN FOREST RESEARCH  
COUNCIL, LINCOLN COUNTY, and  
KOOTENAI FOREST  
STAKEHOLDERS COALITION,

Intervenor-Defendants.

CV 21–105–M–DLC–KLD

ORDER

Before the Court is Federal Defendants’ Motion to Expedite Consideration on Summary Judgment or in the Alternative to Consolidate the May 6, 2022 Hearing with a Hearing on the Merits. (Doc. 52.) The motion states that “the Forest Service has agreed to defer new road construction, timber harvest, and other

activities authorized by the Project until July 5, 2022.” (*Id.* at 3.) The motion requests that the Court vacate the hearing set for May 6 and set a hearing on the parties’ pending cross-motions for summary judgment later in May. (*Id.*) In the alternative, the motion requests that the Court consolidate the May 6 hearing with a hearing on the parties’ cross-motions for summary judgment. (*Id.* at 3–4.) The motion also requests that the hearing be moved to a later date in May, and, if that request is granted, to extend Defendants’ response deadline. (*Id.* at 5–6.) Plaintiffs oppose the motion. (*Id.* at 4–5.) Intervenor-Defendants do not oppose. (*Id.* at 5.)

The motion will be denied. Although the Court appreciates Defendants’ flexibility concerning the commencement of project operations, the Court’s calendar cannot accommodate a rescheduled hearing date later in May. The Court will not consolidate the May 6 hearing with a hearing on the parties’ cross-motions for summary judgment, which remain referred to Magistrate Judge DeSoto. The hearing set for May 6 will proceed as scheduled.

Accordingly, IT IS ORDERED that the motion (Doc. 52) is DENIED.

DATED this 3rd day of May, 2022.



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Dana L. Christensen, District Judge  
United States District Court